

House Amendment 8072

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1 1 Amend House File 2302 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 15E.311 COMMUNITY
1 5 ENDOWMENT FUND.
1 6 1. A community endowment fund is created in the
1 7 state treasury under the control of the department of
1 8 revenue. The fund consists of all moneys appropriated
1 9 to the fund. Moneys in the fund shall be distributed
1 10 by the department as provided in this section.
1 11 2. At the end of each fiscal year, moneys in the
1 12 fund shall be transferred into separate accounts
1 13 within the fund and designated for use by each county
1 14 in which no licensee authorized to conduct gambling
1 15 games under chapter 99F was located during that fiscal
1 16 year. Moneys transferred to county accounts shall be
1 17 divided equally among the counties. Moneys
1 18 transferred into an account for a county shall be
1 19 transferred by the department to an eligible community
1 20 foundation for that county. Of the moneys
1 21 transferred, an eligible community foundation shall
1 22 distribute eighty percent of the moneys as grants to
1 23 recipients in that county and shall retain twenty
1 24 percent of the moneys for use as an endowment for that
1 25 foundation. If a county does not have an eligible
1 26 community foundation, moneys in the account for that
1 27 county shall remain in that account until an eligible
1 28 community foundation for that county is established.
1 29 For purposes of this subsection, an "eligible
1 30 community foundation" means a qualified community
1 31 foundation, as defined in section 15E.303, that is
1 32 designated by the board, as defined in section
1 33 15E.303, to receive moneys from an account created in
1 34 this section for a particular county.
1 35 3. Notwithstanding section 12C.7, subsection 2,
1 36 interest or earnings on moneys deposited in the
1 37 community endowment fund shall be credited to the
1 38 community endowment fund. Notwithstanding section
1 39 8.33, moneys credited to the community endowment fund
1 40 shall not revert at the close of a fiscal year.
1 41 Sec. 2. Section 99D.2, subsection 8, Code 2003, is
1 42 amended to read as follows:
1 43 8. "Racetrack enclosure" means all real property
1 44 utilized for the conduct of a race meeting, including
1 45 the racetrack, grandstand, clubhouse, turf club or
1 46 other areas of a licensed racetrack which a person may
1 47 enter only upon payment of an admission fee, or upon
1 48 payment by another, at any time, based upon the
1 49 person's admittance, or upon presentation of
1 50 authorized credentials. "Racetrack enclosure" also
2 1 means concession stands, offices, barns, kennels and
2 2 barn areas, employee housing facilities, parking lots,
2 3 and any additional areas designated by the commission.
2 4 Sec. 3. Section 99D.2, Code 2003, is amended by
2 5 adding the following new subsection:
2 6 NEW SUBSECTION. 9. "Wagering area" means that
2 7 portion of a racetrack in which a licensee may receive
2 8 wagers of money from a person present in a licensed
2 9 racing enclosure on a horse or dog in a race selected
2 10 by the person making the wager as designated by the
2 11 commission.
2 12 Sec. 4. Section 99D.5, subsections 1, 2, 3, and 4,
2 13 Code 2003, are amended to read as follows:
2 14 1. A state racing and gaming commission is created
2 15 within the department of inspections and appeals
2 16 consisting of nine members, including five voting
2 17 members who and four nonvoting members.
2 18 a. The voting members of the commission shall be
2 19 appointed by the governor subject to confirmation by
2 20 the senate, and who shall serve not to exceed a three=
2 21 year term at the pleasure of the governor. The term

2 22 of each voting member shall begin and end as provided
2 23 in section 69.19.
2 24 b. The nonvoting members of the commission shall
2 25 be two state representatives, one appointed by the
2 26 speaker of the house of representatives and one by the
2 27 minority leader of the house of representatives, and
2 28 two state senators, one appointed by the majority
2 29 leader of the senate and one by the minority leader of
2 30 the senate.
2 31 2. A vacancy of a voting member on the commission
2 32 shall be filled as provided in section 2.32.
2 33 3. Not more than three voting members of the
2 34 commission shall belong to the same political party.
2 35 A member of the commission shall not have a financial
2 36 interest in a racetrack.
2 37 4. a. Commission The voting members of the
2 38 commission are each entitled to receive an annual
2 39 salary of six thousand dollars. ~~Members Voting~~
2 40 ~~members~~ shall also be reimbursed for actual expenses
2 41 incurred in the performance of their duties to a
2 42 maximum of thirty thousand dollars per year for the
2 43 commission. Each voting member shall ~~post a bond in~~
2 44 ~~the amount of ten thousand dollars, with sureties to~~
2 45 ~~be approved by the governor, to guarantee the proper~~
2 46 ~~handling and accounting of moneys and other properties~~
2 47 ~~required in the administration of this chapter. The~~
2 48 ~~premiums on the bonds shall be paid as other expenses~~
2 49 ~~of the commission be covered by the blanket surety~~
2 50 ~~bond of the state purchased pursuant to section~~
3 1 ~~8A.321, subsection 12.~~
3 2 b. Legislative members shall be paid the per diem
3 3 and expenses specified in section 2.10 for each day of
3 4 service. The per diem and expenses of the legislative
3 5 members shall be paid from funds appropriated under
3 6 section 2.12.
3 7 Sec. 5. Section 99D.6, Code 2003, is amended to
3 8 read as follows:
3 9 99D.6 CHAIRPERSON == ADMINISTRATOR == EMPLOYEES ==
3 10 DUTIES == BOND.
3 11 The commission shall elect in July of each year one
3 12 of its voting members as chairperson for the
3 13 succeeding year. The commission shall appoint an
3 14 administrator of the commission subject to
3 15 confirmation by the senate. The administrator shall
3 16 serve a four-year term. The term shall begin and end
3 17 in the same manner as set forth in section 69.19. A
3 18 vacancy shall be filled for the unexpired portion of
3 19 the term in the same manner as a full-term appointment
3 20 is made. The administrator may hire other assistants
3 21 and employees as necessary to carry out the
3 22 commission's duties. Employees in the positions of
3 23 equine veterinarian, canine veterinarian, and equine
3 24 steward shall be exempt from the merit system
3 25 provisions of chapter 8A, subchapter IV, and shall not
3 26 be covered by a collective bargaining agreement. Some
3 27 or all of the information required of applicants in
3 28 section 99D.8A, subsections 1 and 2, may also be
3 29 required of employees of the commission if the
3 30 commission deems it necessary. The administrator
3 31 shall keep a record of the proceedings of the
3 32 commission, and preserve the books, records, and
3 33 documents entrusted to the administrator's care. The
3 34 ~~commission shall require the administrator to post a~~
3 35 ~~bond in a sum it may fix, conditioned upon the~~
3 36 ~~faithful performance of the administrator's duties~~
3 37 ~~shall be covered by the blanket surety bond of the~~
3 38 ~~state purchased pursuant to section 8A.321, subsection~~
3 39 ~~12. Subject to the approval of the governor, the~~
3 40 commission shall fix the compensation of the
3 41 administrator within the salary range as set by the
3 42 general assembly. The commission shall have its
3 43 headquarters in the city of Des Moines, and shall meet
3 44 in July of each year and at other times and places as
3 45 it finds necessary for the discharge of its duties.
3 46 Sec. 6. Section 99D.7, subsection 8, Code 2003, is
3 47 amended to read as follows:
3 48 8. To investigate alleged violations of this
3 49 chapter or the commission rules, orders, or final
3 50 decisions and to take appropriate disciplinary action
4 1 against a licensee or a holder of an occupational
4 2 license for the violation, or institute appropriate

4 3 legal action for enforcement, or both. Information
4 4 gathered during an investigation is confidential
4 5 during the pendency of the investigation. Decisions
4 6 by the commission are final agency actions pursuant to
4 7 chapter 17A.

4 8 Sec. 7. Section 99D.7, subsection 19, Code 2003,
4 9 is amended to read as follows:
4 10 19. To require licensees to indicate in their
4 11 racing programs those horses which are treated with
4 12 the legal medication ~~lasix~~ furosemide or
4 13 phenylbutazone. The program shall also indicate if it
4 14 is the first or subsequent time that a horse is racing
4 15 with ~~lasix~~ furosemide, or if the horse has previously
4 16 raced with ~~lasix~~ furosemide and the present race is
4 17 the first race for the horse without ~~lasix~~ furosemide
4 18 following its use.

4 19 Sec. 8. Section 99D.7, Code 2003, is amended by
4 20 adding the following new subsection:
4 21 NEW SUBSECTION. 23. To require licensees to
4 22 establish a process to allow a person to be
4 23 voluntarily excluded for life from a racetrack
4 24 enclosure and all other licensed facilities under this
4 25 chapter and chapter 99F. The process established
4 26 shall require that a licensee disseminate information
4 27 regarding persons voluntarily excluded to all
4 28 licensees under this chapter and chapter 99F. The
4 29 state and any licensee under this chapter or chapter
4 30 99F shall not be liable to any person for any claim
4 31 which may arise from this process. In addition to any
4 32 other penalty provided by law, any money or thing of
4 33 value that has been obtained by, or is owed to, a
4 34 voluntarily excluded person by a licensee as a result
4 35 of wagers made by the person after the person has been
4 36 voluntarily excluded shall not be paid to the person
4 37 but shall be deposited into the gambling treatment
4 38 fund created in section 135.150.

4 39 Sec. 9. Section 99D.9, subsections 1 and 2, Code
4 40 2003, are amended to read as follows:
4 41 1. If the commission is satisfied that its rules
4 42 and sections 99D.8 through 99D.25 applicable to
4 43 licensees have been or will be complied with, it may
4 44 issue a license for a period of not more than three
4 45 years. The commission may decide which types of
4 46 racing it will permit. The commission may permit dog
4 47 racing, horse racing of various types, or both dog and
4 48 horse racing. The commission shall decide the number,
4 49 location, and type of all racetracks licensed under
4 50 this chapter. The license shall set forth the name of
5 1 the licensee, the type of license granted, the place
5 2 where the race meeting is to be held, and the time and
5 3 number of days during which racing may be conducted by
5 4 the licensee. ~~The commission shall not approve the~~
~~5 5 licenses for racetracks in Dubuque county and Black~~
~~5 6 Hawk county if the proposed racing schedules of the~~
~~5 7 two tracks conflict.~~ The commission shall not approve
5 8 a license application if any part of the racetrack is
5 9 to be constructed on prime farmland outside the city
5 10 limits of an incorporated city. As used in this
5 11 subsection, "prime farmland" means as defined by the
5 12 United States department of agriculture in 7 C.F.R.
5 13 ~~sec. 1~~ 657.5(a). A license is not transferable or
5 14 assignable. The commission may revoke any license
5 15 issued for good cause upon reasonable notice and
5 16 hearing. The commission shall conduct a neighborhood
5 17 impact study to determine the impact of granting a
5 18 license on the quality of life in neighborhoods
5 19 adjacent to the proposed racetrack facility. The
5 20 applicant for the license shall reimburse the
5 21 commission for the costs incurred in making the study.
5 22 A copy of the study shall be retained on file with the
5 23 commission and shall be a public record. The study
5 24 shall be completed before the commission may issue a
5 25 license for the proposed facility.

5 26 2. A license shall only be granted to a nonprofit
5 27 corporation or association upon the express condition
5 28 that+
5 29 ~~a. The~~ the nonprofit corporation or association
5 30 shall not, by a lease, contract, understanding, or
5 31 arrangement of any kind, grant, assign, or turn over
5 32 to a person the operation of a race meeting licensed
5 33 under this section or of the pari-mutuel system of

5 34 wagering described in section 99D.11. This section
5 35 does not prohibit a management contract approved by
5 36 the commission.
5 37 ~~b. The nonprofit corporation shall not in any~~
5 38 ~~manner permit a person other than the licensee to have~~
5 39 ~~a share, percentage, or proportion of the money~~
5 40 ~~received for admissions to the race or race meeting.~~
5 41 Sec. 10. Section 99D.9, subsection 6, Code 2003,
5 42 is amended to read as follows:
5 43 6. (1) A licensee may shall not loan to any
5 44 person money or any other thing of value for the
5 45 purpose of permitting that person to wager on any
5 46 race.
5 47 (2) A licensee shall not permit a financial
5 48 institution, vendor, or other person to dispense cash
5 49 or credit through an electronic or mechanical device
5 50 including but not limited to a satellite terminal as
6 1 defined in section 527.2, that is located on the
6 2 licensed premises.
6 3 Sec. 11. NEW SECTION. 99D.9A MORATORIUM.
6 4 The commission shall not issue a license to conduct
6 5 pari-mutuel wagering at a racetrack pursuant to this
6 6 chapter as provided in section 99F.4C.
6 7 Sec. 12. Section 99D.11, subsection 7, Code 2003,
6 8 is amended to read as follows:
6 9 7. A person under the age of twenty-one years
6 10 shall not make or attempt to make a pari-mutuel wager.
6 11 A person who violates this subsection commits a
6 12 scheduled violation under section 805.8C, subsection
6 13 4.
6 14 Sec. 13. Section 99D.14, subsection 2, Code 2003,
6 15 is amended by striking the subsection and inserting in
6 16 lieu thereof the following:
6 17 2. A licensee shall pay a regulatory fee to be
6 18 charged as provided in this section. In determining
6 19 the regulatory fee to be charged as provided under
6 20 this section, the commission shall use the amount
6 21 appropriated to the commission plus the cost of
6 22 salaries for no more than two special agents for each
6 23 racetrack, plus any direct and indirect support costs
6 24 for the agents, for the division of criminal
6 25 investigation's racetrack activities, as the basis for
6 26 determining the amount of revenue to be raised from
6 27 the regulatory fee.
6 28 Sec. 14. Section 99D.14, subsection 7, Code 2003,
6 29 is amended by striking the subsection.
6 30 Sec. 15. Section 99D.15, subsection 3, paragraph
6 31 d, Code 2003, is amended by striking the paragraph.
6 32 Sec. 16. Section 99D.15, Code 2003, is amended by
6 33 adding the following new subsection:
6 34 NEW SUBSECTION. 5. An amount equal to one-half of
6 35 one percent of the gross sum wagered by the pari=
6 36 mutuel method shall be deposited into the gambling
6 37 treatment fund created in section 135.150 from the tax
6 38 revenue received by the commission pursuant to
6 39 subsections 1, 3, and 4.
6 40 Sec. 17. Section 99D.19, Code 2003, is amended to
6 41 read as follows:
6 42 99D.19 HORSE OR DOG RACING == LICENSEES == RECORDS
6 43 == REPORTS == SUPERVISION.
6 44 1. A licensee shall keep its books and records so
6 45 as to clearly show the following:
6 46 ~~1. a. The total number of admissions to races~~
6 47 ~~conducted by it on each racing day, including the~~
6 48 ~~number of admissions upon free passes or complimentary~~
6 49 ~~tickets for each day of operation.~~
6 50 ~~2. b. The amount received daily from admission~~
7 1 ~~fees.~~
7 2 ~~3. The total amount of money wagered during the~~
7 3 ~~race meet for each day of operation.~~
7 4 2. The licensee shall furnish to the commission
7 5 reports and information as the commission may require
7 6 with respect to its activities. The commission may
7 7 designate a representative to attend a licensed race
7 8 meeting, who shall have full access to all places
7 9 within the enclosure of the meeting and who shall
7 10 supervise and check the admissions. The compensation
7 11 of the representative shall be fixed by the commission
7 12 but shall be paid by the licensee.
7 13 Sec. 18. Section 99D.23, subsection 1, Code 2003,
7 14 is amended to read as follows:

7 15 1. The commission shall employ one or more
7 16 chemists or contract with a qualified chemical
7 17 laboratory to determine by chemical testing and
7 18 analysis of saliva, urine, blood, or other excretions
7 19 or body fluids whether a substance or drug has been
7 20 introduced which may affect the outcome of a race or
7 21 whether an action has been taken or a substance or
7 22 drug has been introduced which may interfere with the
7 23 testing procedure. The commission shall adopt rules
7 24 under chapter 17A concerning procedures and actions
7 25 taken on positive drug reports. The commission may
7 26 adopt by reference ~~the standards of the national~~
~~7 27 association of state racing commissioners, the~~
~~7 28 association of official racing chemists, and New York~~
~~7 29 jockey club, or the United States trotting~~
~~7 30 association, nationally recognized standards as~~
7 31 determined by the commission or may adopt any other
7 32 procedure or standard. The commission has the
7 33 authority to retain and preserve by freezing, test
7 34 samples for future analysis.

7 35 Sec. 19. Section 99D.25, subsection 1, paragraph
7 36 a, Code 2003, is amended to read as follows:
7 37 a. "Drugging" means administering to a horse or
7 38 dog any substance foreign to the natural horse or dog
7 39 prior to the start of a race. However, in counties
7 40 with a population of two hundred fifty thousand or
7 41 more, "drugging" does not include administering to a
7 42 horse the drugs ~~lasix~~ furosemide and phenylbutazone in
7 43 accordance with section 99D.25A and rules adopted by
7 44 the commission.

7 45 Sec. 20. Section 99D.25, subsection 5, Code 2003,
7 46 is amended to read as follows:
7 47 5. Every horse which suffers a breakdown on the
7 48 racetrack, in training, or in competition, and is
7 49 destroyed, and every other horse which expires while
7 50 stabled on the racetrack under the jurisdiction of the
8 1 commission, shall undergo a postmortem examination by
~~8 2 a veterinarian or a veterinary pathologist~~ at a time
8 3 and place acceptable to the commission veterinarian to
8 4 determine the injury or sickness which resulted in
8 5 euthanasia or natural death. ~~The postmortem~~
~~8 6 examination shall be conducted by a veterinarian~~
~~8 7 employed by the owner or the owner's trainer in the~~
~~8 8 presence of and in consultation with the commission~~
~~8 9 veterinarian.~~ Test samples shall be obtained from the
8 10 carcass upon which the postmortem examination is
8 11 conducted and shall be sent to a laboratory approved
8 12 by the commission for testing for foreign substances
8 13 and natural substances at abnormal levels. When
8 14 practical, blood and urine test samples should be
8 15 procured prior to euthanasia. The owner of the
8 16 deceased horse is responsible for payment of any
8 17 charges due ~~the veterinarian employed to conduct the~~
8 18 ~~postmortem examination. The services of the~~
~~8 19 commission veterinarian and the laboratory testing of~~
~~8 20 postmortem samples shall be made available by the~~
~~8 21 commission without charge to the owner.~~ A record of
8 22 every postmortem shall be filed with the commission by
8 23 the owner's veterinarian or veterinary pathologist who
~~8 24 performed the postmortem~~ within seventy-two hours of
8 25 ~~the death and shall be submitted on a form supplied by~~
~~8 26 the commission.~~ Each owner and trainer accepts the
8 27 responsibility for the postmortem examination provided
8 28 herein as a requisite for maintaining the occupational
8 29 license issued by the commission.

8 30 Sec. 21. Section 99D.25, subsection 9, Code 2003,
8 31 is amended to read as follows:
8 32 9. The commission shall conduct random tests of
8 33 bodily substances of horses entered to race each day
8 34 of a race meeting to aid in the detection of any
8 35 unlawful drugging. The tests ~~shall~~ may be conducted
8 36 both prior to and after a race. The commission shall
8 37 also test any horse that breaks down during a race and
8 38 shall perform an autopsy on any horse that is killed
8 39 or subsequently destroyed as a result of an accident
8 40 during a race.

8 41 Sec. 22. Section 99D.25A, subsections 3 through 7,
8 42 Code 2003, are amended to read as follows:
8 43 3. If a horse is to race with phenylbutazone in
8 44 its system, the trainer, or trainer's designee, shall
8 45 be responsible for marking the information on the

8 46 entry blank for each race in which the horse shall use
8 47 phenylbutazone. Changes made after the time of entry
8 48 must be submitted on the prescribed form to the
8 49 commission veterinarian no later than scratch time.
8 50 4. If a test detects concentrations of
9 1 phenylbutazone in the system of a horse in excess of
9 2 the level permitted in this section, the commission
9 3 shall assess a civil penalty against the trainer of at
9 4 least two hundred dollars for the first offense and at
9 5 least five hundred dollars for a second offense. The
9 6 penalty for a third or subsequent offense shall be in
9 7 the discretion of the commission. A penalty assessed
9 8 under this subsection shall not affect the placing of
9 9 the horse in the race.
9 10 5. ~~Lasix~~ Furosemide may be administered to
9 11 certified bleeders. Upon request, any horse placed on
9 12 the bleeder list shall, in its next race, be permitted
9 13 the use of ~~lasix~~ furosemide. Once a horse has raced
9 14 with ~~lasix~~ furosemide, it must continue to race with
9 15 ~~lasix~~ furosemide in all subsequent races unless a
9 16 request is made to discontinue the use. If the use of
9 17 ~~lasix~~ furosemide is discontinued, the horse shall be
9 18 prohibited from again racing with ~~lasix~~ furosemide
9 19 unless it is later observed to be bleeding. Requests
9 20 for the use of or discontinuance of ~~lasix~~ furosemide
9 21 must be made to the commission veterinarian by the
9 22 horse's trainer or assistant trainer on a form
9 23 prescribed by the commission on or before the day of
9 24 entry into the race for which the request is made.
9 25 6. Once a horse has been permitted the use of
9 26 ~~lasix~~ furosemide, the horse must be treated with ~~lasix~~
9 27 furosemide in the horse's stall, unless the commission
9 28 provides that a horse must be brought to the detention
9 29 barn for treatment. After the ~~lasix~~ furosemide
9 30 treatment, the commission, by rule, may authorize the
9 31 release of the horse from the horse's stall or
9 32 detention barn before the scheduled post time. If a
9 33 horse is brought to the detention barn late, the
9 34 commission shall assess a civil penalty of one hundred
9 35 dollars against the trainer.
9 36 7. A horse entered to race with ~~lasix~~ furosemide
9 37 must be treated at least four hours prior to post
9 38 time. The ~~lasix~~ furosemide shall be administered
9 39 intravenously by a veterinarian employed by the owner
9 40 or trainer of the horse. The commission shall adopt
9 41 rules to ensure that ~~lasix~~ furosemide is administered
9 42 as provided in this section. The commission shall
9 43 require that the practicing veterinarian deliver an
9 44 affidavit signed by the veterinarian which certifies
9 45 information regarding the treatment of the horse. The
9 46 affidavit must be delivered to a commission
9 47 veterinarian within twenty minutes following the
9 48 treatment. The statement must at least include the
9 49 name of the practicing veterinarian, the tattoo number
9 50 of the horse, the location of the barn and stall where
10 1 the treatment occurred, the race number of the horse,
10 2 the name of the trainer, and the time that the ~~lasix~~
10 3 furosemide was administered. ~~Lasix~~ Furosemide shall
10 4 only be administered in a dose level of two hundred
10 5 fifty milligrams.
10 6 Sec. 23. Section 99F.1, Code Supplement 2003, is
10 7 amended by adding the following new subsection:
10 8 NEW SUBSECTION. 7A. "Excursion boat" means a
10 9 self-propelled, floating vessel that is or has been
10 10 previously certified by the United States coast guard
10 11 for operation as a vessel.
10 12 Sec. 24. Section 99F.1, subsection 8, Code
10 13 Supplement 2003, is amended to read as follows:
10 14 8. "Excursion gambling boat" means ~~a self-~~
10 15 ~~propelled~~ an excursion boat or moored barge on which
10 16 lawful gambling is authorized and licensed as provided
10 17 in this chapter.
10 18 Sec. 25. Section 99F.1, subsection 10, Code
10 19 Supplement 2003, is amended to read as follows:
10 20 10. "Gambling game" means any game of chance
10 21 authorized by the commission. However, for racetrack
10 22 enclosures, "gambling game" does not include table
10 23 games of chance or video machines which simulate table
10 24 games of chance. "Gambling game" does not include
10 25 sports betting.
10 26 Sec. 26. Section 99F.1, Code Supplement 2003, is

10 27 amended by adding the following new subsection:
10 28 NEW SUBSECTION. 10A. "Gaming floor" means that
10 29 portion of an excursion gambling boat or racetrack
10 30 enclosure in which gambling games are conducted as
10 31 designated by the commission.
10 32 Sec. 27. Section 99F.1, subsection 12, Code
10 33 Supplement 2003, is amended to read as follows:
10 34 12. "Holder of occupational license" means a
10 35 person licensed by the commission to perform an
10 36 occupation which the commission has identified as
10 37 requiring a license to engage in the excursion
10 38 gambling boat gambling industry in Iowa.
10 39 Sec. 28. Section 99F.1, Code Supplement 2003, is
10 40 amended by adding the following new subsection:
10 41 14A. "Moored barge" means a floating barge or
10 42 vessel that is not self-propelled.
10 43 Sec. 29. Section 99F.1, subsection 16, Code
10 44 Supplement 2003, is amended to read as follows:
10 45 16. "Racetrack enclosure" means all real property
10 46 utilized for the conduct of a race meeting, including
10 47 the racetrack, grandstand, clubhouse, turf club, or
10 48 other areas of a licensed racetrack which an
10 49 individual may enter only upon payment of an admission
10 50 fee, or upon payment by another, at any time, based
11 1 upon the individual's admittance, or upon presentation
11 2 of authorized credentials. "Racetrack enclosure" also
11 3 means concession stands, offices, barns, kennels and
11 4 barn areas, employee housing facilities, parking lots,
11 5 and any additional areas designated by the commission.
11 6 Sec. 30. Section 99F.4, subsection 2, Code 2003,
11 7 is amended to read as follows:
11 8 2. To license qualified sponsoring organizations,
11 9 to license the operators of excursion gambling boats,
11 10 to identify occupations within the excursion gambling
11 11 boat operations which require licensing, and to adopt
11 12 standards for licensing the occupations including
11 13 establishing fees for the occupational licenses and
11 14 licenses for qualified sponsoring organizations. The
11 15 fees shall be paid to the commission and deposited in
11 16 the general fund of the state. All revenue received
11 17 by the commission under this chapter from license fees
11 18 and admission regulatory fees shall be deposited in
11 19 the general fund of the state and shall be subject to
11 20 the requirements of section 8.60.
11 21 Sec. 31. Section 99F.4, subsection 6, Code 2003,
11 22 is amended to read as follows:
11 23 6. To investigate alleged violations of this
11 24 chapter or the commission rules, orders, or final
11 25 decisions and to take appropriate disciplinary action
11 26 against a licensee or a holder of an occupational
11 27 license for a violation, or institute appropriate
11 28 legal action for enforcement, or both. Information
11 29 gathered during an investigation is confidential
11 30 during the pendency of the investigation.
11 31 Sec. 32. Section 99F.4, subsection 18, Code 2003,
11 32 is amended to read as follows:
11 33 18. To provide for the continuous videotaping of
11 34 all gambling activities on an excursion gambling boat.
11 35 The videotaping shall be performed under guidelines
11 36 set by rule of the division of criminal investigation
11 37 and the rules may require that all or part of the
11 38 original tapes be submitted to the division on a
11 39 timely schedule.
11 40 Sec. 33. Section 99F.4, subsection 20, Code 2003,
11 41 is amended by striking the subsection.
11 42 Sec. 34. Section 99F.4, Code 2003, is amended by
11 43 adding the following new subsections:
11 44 NEW SUBSECTION. 23. To require licensees to
11 45 establish a process to allow a person to be
11 46 voluntarily excluded for life from an excursion
11 47 gambling boat and all other licensed facilities under
11 48 this chapter and chapter 99D. The process established
11 49 shall require that a licensee disseminate information
11 50 regarding persons voluntarily excluded to all
12 1 licensees under this chapter and chapter 99D. The
12 2 state and any licensee under this chapter or chapter
12 3 99D shall not be liable to any person for any claim
12 4 which may arise from this process. In addition to any
12 5 other penalty provided by law, any money or thing of
12 6 value that has been obtained by, or is owed to, a
12 7 voluntarily excluded person by a licensee as a result

12 8 of wagers made by the person after the person has been
12 9 voluntarily excluded shall not be paid to the person
12 10 but shall be deposited into the gambling treatment
12 11 fund created in section 135.150.

12 12 NEW SUBSECTION. 24. To approve a licensee's
12 13 application to operate as a moored barge, an excursion
12 14 boat that will cruise, or an excursion boat that will
12 15 not cruise, as submitted pursuant to section 99F.7.

12 16 NEW SUBSECTION. 25. To conduct a socioeconomic
12 17 study on the impact of gambling on Iowans, every eight
12 18 years beginning in calendar year 2008, and issue a
12 19 report on that study. The commission shall ensure
12 20 that the results of each study are readily accessible
12 21 to the public.

12 22 Sec. 35. Section 99F.4A, subsection 4, Code 2003,
12 23 is amended to read as follows:

12 24 4. The regulatory fee imposed in section 99D.14,
12 25 subsection 2, shall be collected ~~for admission to from~~
12 26 ~~a licensee of~~ a racetrack enclosure where gambling
12 27 games are licensed to operate in lieu of the ~~admission~~
12 28 regulatory fee imposed in section 99F.10.

12 29 Sec. 36. Section 99F.4A, subsection 8, Code 2003,
12 30 is amended by striking the subsection.

12 31 Sec. 37. NEW SECTION. 99F.4C MORATORIUM FOR
12 32 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI=
12 33 MUTUEL WAGERING AND ON THE NUMBER OF GAMBLING GAMES OR
12 34 SLOT MACHINES.

12 35 1. Commencing with the effective date of this
12 36 section of this Act, the commission shall not issue a
12 37 license to conduct pari-mutuel wagering at a racetrack
12 38 pursuant to chapter 99D or to conduct gambling games
12 39 on an excursion boat or at a pari-mutuel racetrack
12 40 pursuant to this chapter.

12 41 2. Commencing with the effective date of this
12 42 section of this Act, the commission shall not
12 43 authorize any of the following:

12 44 a. An increase in the number of gambling games or
12 45 the number of slot machines on an excursion gambling
12 46 boat.

12 47 b. An increase in the number of slot machines at a
12 48 pari-mutuel racetrack.

12 49 3. This section does not affect the validity of a
12 50 license issued by the commission pursuant to chapter
13 1 99D or this chapter before the effective date of this
13 2 section of this Act or the authority of the commission
13 3 to suspend, revoke, transfer, or renew a license
13 4 issued before the effective date of this section of
13 5 this Act pursuant to chapter 99D or this chapter.

13 6 Sec. 38. Section 99F.5, subsection 1, Code 2003,
13 7 is amended to read as follows:

13 8 1. A qualified sponsoring organization may apply
13 9 to the commission for a license to conduct gambling
13 10 games on an excursion gambling boat as provided in
13 11 this chapter. A person may apply to the commission
13 12 for a license to operate an excursion gambling boat.
13 13 An operating agreement entered into on or after the
13 14 effective date of this section of this Act between a
13 15 qualified sponsoring organization and an operator
13 16 shall provide for a minimum distribution by the
13 17 qualified sponsoring organization for educational,
13 18 civic, public, charitable, patriotic, or religious
13 19 uses as defined in section 99B.7, subsection 3,
13 20 paragraph "b", that averages at least three percent of
13 21 the adjusted gross receipts for each license year.

13 22 The application shall be filed with the administrator
13 23 of the commission at least ninety days before the
13 24 first day of the next excursion season as determined
13 25 by the commission, shall identify the excursion
13 26 gambling boat upon which gambling games will be
13 27 authorized, shall specify the exact location where the
13 28 excursion gambling boat will be docked, and shall be
13 29 in a form and contain information as the commission
13 30 prescribes. The minimum passenger capacity of an
13 31 excursion gambling boat is two hundred fifty persons.

13 32 Sec. 39. Section 99F.6, subsection 4, paragraph a,
13 33 Code Supplement 2003, is amended to read as follows:

13 34 a. Before a license is granted, the division of
13 35 criminal investigation of the department of public
13 36 safety shall conduct a thorough background
13 37 investigation of the applicant for a license to
13 38 operate a gambling game operation on an excursion

13 39 gambling boat. The applicant shall provide
13 40 information on a form as required by the division of
13 41 criminal investigation. A qualified sponsoring
13 42 organization licensed to operate gambling games under
13 43 this chapter shall distribute the receipts of all
13 44 gambling games, less reasonable expenses, charges,
13 45 taxes, fees, and deductions allowed under this
13 46 chapter, as winnings to players or participants or
13 47 shall distribute the receipts for educational, civic,
13 48 public, charitable, patriotic, or religious uses as
13 49 defined in section 99B.7, subsection 3, paragraph "b".
13 50 However, a licensee to conduct gambling games under
14 1 this chapter shall, unless an operating agreement for
14 2 an excursion gambling boat otherwise provides,
14 3 distribute at least three percent of the adjusted
14 4 gross receipts for each license year for educational,
14 5 civic, public, charitable, patriotic, or religious
14 6 uses as defined in section 99B.7, subsection 3,
14 7 paragraph "b". However, if a licensee who is also
14 8 licensed to conduct pari-mutuel wagering at a horse
14 9 racetrack has unpaid debt from the pari-mutuel
14 10 racetrack operations, the first receipts of the
14 11 gambling games operated within the racetrack enclosure
14 12 less reasonable operating expenses, taxes, and fees
14 13 allowed under this chapter shall be first used to pay
14 14 the annual indebtedness. The commission shall
14 15 authorize, subject to the debt payments for horse
14 16 racetracks and the provisions of paragraph "b" for dog
14 17 racetracks, a licensee who is also licensed to conduct
14 18 pari-mutuel dog or horse racing to use receipts from
14 19 gambling games within the racetrack enclosure to
14 20 supplement purses for races particularly for Iowa-bred
14 21 horses pursuant to an agreement which shall be
14 22 negotiated between the licensee and representatives of
14 23 the dog or horse owners. For each agreement
14 24 concerning purses for horse racing beginning on or
14 25 after January 1, 2006, and ending before January 1,
14 26 2021, the agreement shall provide that total annual
14 27 purses for horse racing at every racetrack enclosure
14 28 within Polk county shall be no less than eleven
14 29 percent of the first two hundred million dollars of
14 30 net receipts, and six percent of net receipts above
14 31 two hundred million dollars. A qualified sponsoring
14 32 organization shall not make a contribution to a
14 33 candidate, political committee, candidate's committee,
14 34 state statutory political committee, county statutory
14 35 political committee, national political party, or
14 36 fund-raising event as these terms are defined in
14 37 section 68A.102. The membership of the board of
14 38 directors of a qualified sponsoring organization shall
14 39 represent a broad interest of the communities. For
14 40 purposes of this paragraph, "net receipts" means the
14 41 annual adjusted gross receipts from all gambling games
14 42 less the annual amount of money pledged by the owner
14 43 of the facility to fund a project approved to receive
14 44 vision Iowa funds as of July 1, 2004.

14 45 Sec. 40. Section 99F.7, subsection 1, Code 2003,
14 46 is amended to read as follows:
14 47 1. If the commission is satisfied that this
14 48 chapter and its rules adopted under this chapter
14 49 applicable to licensees have been or will be complied
14 50 with, the commission shall issue a license for a
15 1 period of not more than three years to an applicant to
15 2 own a gambling game operation and to an applicant to
15 3 operate an excursion gambling boat. The commission
15 4 shall decide which of the gambling games authorized
15 5 under this chapter ~~it~~ the commission will permit. The
15 6 commission shall decide the number, location, and type
15 7 of excursion gambling boats licensed under this
15 8 chapter for operation on the rivers, lakes, and
15 9 reservoirs of this state. An excursion gambling boat
15 10 may be located or operated on a natural or man-made
15 11 lake or reservoir if the lake or reservoir is of
15 12 sufficient size to accommodate recreational activity.
15 13 An excursion gambling boat may also be located on a
15 14 body of water adjacent to a river, provided it is
15 15 located no more than one thousand feet from the
15 16 closest edge of the river, as established by the
15 17 commission in consultation with the United States army
15 18 corps of engineers, the department of natural
15 19 resources, or other appropriate regulatory agency.

15 20 The license shall set forth, as applicable, the name
15 21 of the licensee, the type of license granted, the
15 22 place where the excursion gambling boats will operate
15 23 and dock, and the time and number of days during the
15 24 excursion season and the off season when gambling may
15 25 be conducted by the licensee. ~~The~~
15 26 1A. An applicant for a license to conduct gambling
15 27 games on an excursion gambling boat, and each licensee
15 28 by June 30 of each year thereafter, shall indicate and
15 29 have noted on the license whether the applicant or
15 30 licensee will operate a moored barge, an excursion
15 31 boat that will cruise, or an excursion boat that will
15 32 not cruise. If the applicant or licensee will operate
15 33 a moored barge or an excursion boat that will not
15 34 cruise, the requirements of this chapter concerning
15 35 cruising shall not apply. If the applicant's or
15 36 licensee's excursion boat will cruise, the applicant
15 37 or licensee shall comply with the cruising
15 38 requirements of this chapter and the commission shall
15 39 not allow such a licensee to conduct gambling games on
15 40 an excursion gambling boat while docked during the off
15 41 season if the licensee does not operate gambling
15 42 excursions for a minimum number of days during the
15 43 excursion season. The commission may delay the
15 44 commencement of the excursion season at the request of
15 45 a licensee.

15 46 Sec. 41. Section 99F.7, subsection 3, Code 2003,
15 47 is amended to read as follows:
15 48 3. The commission shall require, as a condition of
15 49 granting a license, that an applicant to operate an
15 50 excursion gambling boat develop, and as nearly as
16 1 practicable, recreate boats or moored barges that
16 2 resemble Iowa's riverboat history.

16 3 Sec. 42. Section 99F.7, subsection 5, paragraph b,
16 4 Code 2003, is amended by striking the paragraph.

16 5 Sec. 43. Section 99F.7, subsection 9, Code 2003,
16 6 is amended to read as follows:
16 7 9. a. A licensee shall not loan to any person
16 8 money or any other thing of value for the purpose of
16 9 permitting that person to wager on any game of chance.
16 10 b. A licensee shall not permit a financial
16 11 institution, vendor, or other person to dispense cash
16 12 or credit through an electronic or mechanical device
16 13 including but not limited to a satellite terminal, as
16 14 defined in section 527.2, that is located on the
16 15 licensed premises.

16 16 Sec. 44. Section 99F.7, subsection 10, paragraph
16 17 e, Code 2003, is amended to read as follows:
16 18 e. After a referendum has been held which defeated
16 19 a proposal to conduct gambling games on excursion
16 20 gambling boats or which defeated a proposal to conduct
16 21 gambling games at a licensed pari-mutuel racetrack
16 22 enclosure as provided in this section, another
16 23 referendum on a proposal to conduct gambling games on
16 24 an excursion gambling boat or at a licensed pari=
16 25 mutuel racetrack shall not be held for at least ~~two~~
16 26 eight years.

16 27 Sec. 45. Section 99F.9, subsection 5, Code 2003,
16 28 is amended to read as follows:
16 29 5. A person under the age of twenty=one years
16 30 shall not make or attempt to make a wager on an
16 31 excursion gambling boat or in a racetrack enclosure
16 32 and shall not be allowed in the area on the gaming
16 33 floor of the an excursion gambling boat where gambling
16 34 is being conducted or of a racetrack enclosure.
16 35 However, a person eighteen years of age or older may
16 36 be employed to work in a gambling area on the gaming
16 37 floor of an excursion gambling boat or a racetrack
16 38 enclosure. A person who violates this subsection with
16 39 respect to making or attempting to make a wager
16 40 commits a scheduled violation under section 805.8C,
16 41 subsection 4.

16 42 Sec. 46. Section 99F.10, Code 2003, is amended to
16 43 read as follows:
16 44 99F.10 ~~ADMISSION~~ REGULATORY FEE == TAX == LOCAL
16 45 FEES.

16 46 1. A qualified sponsoring organization conducting
16 47 gambling games on an excursion gambling boat licensed
16 48 under section 99F.7 shall pay the tax imposed by
16 49 section 99F.11.

16 50 2. An excursion gambling boat licensee shall pay

~~17 1 to the commission an admission a regulatory fee for~~
~~17 2 each person embarking on an excursion gambling boat~~
~~17 3 with a ticket of admission to be charged as provided~~
~~17 4 in this section. The admission fee shall be set by~~
~~17 5 the commission.~~
~~17 6 a. If tickets are issued which are good for more~~
~~17 7 than one excursion, the admission fee shall be paid~~
~~17 8 for each person using the ticket on each excursion~~
~~17 9 that the ticket is used.~~
~~17 10 b. If free passes or complimentary admission~~
~~17 11 tickets are issued, the licensee shall pay the same~~
~~17 12 fee upon these passes or complimentary tickets as if~~
~~17 13 they were sold at the regular and usual admission~~
~~17 14 rate.~~
~~17 15 c. However, the excursion boat licensee may issue~~
~~17 16 fee-free passes to actual and necessary officials and~~
~~17 17 employees of the licensee or other persons actually~~
~~17 18 working on the excursion gambling boat.~~
~~17 19 d. The issuance of fee-free passes is subject to~~
~~17 20 the rules of the commission, and a list of all persons~~
~~17 21 to whom the fee-free passes are issued shall be filed~~
~~17 22 with the commission.~~
~~17 23 3. In addition to the admission fee charged under~~
~~17 24 subsection 2 and subject Subject to approval of~~
~~17 25 excursion gambling boat docking by the voters, a city~~
~~17 26 may adopt, by ordinance, an admission fee not~~
~~17 27 exceeding fifty cents for each person embarking on an~~
~~17 28 excursion gambling boat docked within the city or a~~
~~17 29 county may adopt, by ordinance, an admission fee not~~
~~17 30 exceeding fifty cents for each person embarking on an~~
~~17 31 excursion gambling boat docked outside the boundaries~~
~~17 32 of a city. The admission revenue received by a city~~
~~17 33 or a county shall be credited to the city general fund~~
~~17 34 or county general fund as applicable.~~
~~17 35 4. In determining the license fees and state~~
~~17 36 admission regulatory fees to be charged as provided~~
~~17 37 under section 99F.4 and this section, the commission~~
~~17 38 shall use the amount appropriated to the commission~~
~~17 39 plus the cost of salaries for no more than two special~~
~~17 40 agents and no more than four gaming enforcement~~
~~17 41 officers for each excursion gambling boat, plus any~~
~~17 42 direct and indirect support costs for the agents and~~
~~17 43 officers, for the division of criminal investigation's~~
~~17 44 excursion gambling boat activities and an amount for~~
~~17 45 all licensees, not to exceed one hundred twenty-five~~
~~17 46 thousand dollars, representing other associated costs~~
~~17 47 of the division, as the basis for determining the~~
~~17 48 amount of revenue to be raised from the license fees~~
~~17 49 and admission regulatory fees. The division's salary~~
~~17 50 costs shall be limited to eighty percent of the salary~~
~~18 1 costs for special agents and eighty percent of the~~
~~18 2 salary costs for gaming enforcement for personnel~~
~~18 3 assigned to excursion gambling boats who enforce laws~~
~~18 4 and rules adopted by the commission.~~
~~18 5 5. No other license tax, permit tax, occupation~~
~~18 6 tax, excursion fee, or taxes on fees shall be levied,~~
~~18 7 assessed, or collected from a licensee by the state or~~
~~18 8 by a political subdivision, except as provided in this~~
~~18 9 chapter.~~
~~18 10 6. No other excise tax shall be levied, assessed,~~
~~18 11 or collected from the licensee relating to gambling~~
~~18 12 excursions or admission charges by the state or by a~~
~~18 13 political subdivision, except as provided in this~~
~~18 14 chapter.~~
~~18 15 Sec. 47. Section 99F.11, Code Supplement 2003, is~~
~~18 16 amended to read as follows:~~
~~18 17 99F.11 WAGERING TAX == RATE == ALLOCATIONS.~~
~~18 18 1. A tax is imposed on the adjusted gross receipts~~
~~18 19 received annually each fiscal year from gambling games~~
~~18 20 authorized under this chapter at the rate of five~~
~~18 21 percent on the first one million dollars of adjusted~~
~~18 22 gross receipts, and at the rate of ten percent on the~~
~~18 23 next two million dollars of adjusted gross receipts, 7~~
~~18 24 and at the rate of twenty percent~~
~~18 25 2. The tax rate imposed each fiscal year on any~~
~~18 26 amount of adjusted gross receipts over three million~~
~~18 27 dollars. However, beginning January 1, 1997, the rate~~
~~18 28 on any amount of adjusted gross receipts over three~~
~~18 29 million dollars from gambling games at racetrack~~
~~18 30 enclosures is twenty-two percent and shall increase by~~
~~18 31 two percent each succeeding calendar year until the~~

~~18 32 rate is thirty-six percent. shall be as follows:~~
~~18 33 a. If the licensee is an excursion gambling boat~~
~~18 34 or a racetrack enclosure conducting gambling games,~~
~~18 35 twenty-two percent.~~
~~18 36 b. Notwithstanding paragraph "a", if the licensee~~
~~18 37 is an excursion gambling boat that is licensed to~~
~~18 38 operate a moored barge and another licensee of an~~
~~18 39 excursion gambling boat in the same county is not~~
~~18 40 licensed to operate a moored barge, twenty-six~~
~~18 41 percent.~~
18 42 3. The taxes imposed by this section shall be paid
18 43 by the licensee to the treasurer of state within ten
18 44 days after the close of the day when the wagers were
18 45 made and shall be distributed as follows:
18 46 ~~1. a.~~ If the gambling excursion originated at a
18 47 dock located in a city, one-half of one percent of the
18 48 adjusted gross receipts shall be remitted to the
18 49 treasurer of the city in which the dock is located and
18 50 shall be deposited in the general fund of the city.
19 1 Another one-half of one percent of the adjusted gross
19 2 receipts shall be remitted to the treasurer of the
19 3 county in which the dock is located and shall be
19 4 deposited in the general fund of the county.
19 5 ~~2. b.~~ If the gambling excursion originated at a
19 6 dock located in a part of the county outside a city,
19 7 one-half of one percent of the adjusted gross receipts
19 8 shall be remitted to the treasurer of the county in
19 9 which the dock is located and shall be deposited in
19 10 the general fund of the county. Another one-half of
19 11 one percent of the adjusted gross receipts shall be
19 12 remitted to the treasurer of the Iowa city nearest to
19 13 where the dock is located and shall be deposited in
19 14 the general fund of the city.
19 15 ~~3. c. Three-tenths~~ One-half of one percent of the
19 16 adjusted gross receipts shall be deposited in the
19 17 gambling treatment fund ~~specified in section 99G.39,~~
~~19 18 subsection 1, paragraph "a" created in section~~
~~19 19 135.150.~~
19 20 d. One-half of one percent of the adjusted gross
19 21 receipts shall be deposited in the community endowment
19 22 fund created in section 15E.311.
19 23 ~~4. e.~~ The remaining amount of the adjusted gross
19 24 receipts tax shall be credited to the general fund of
19 25 the state.
19 26 Sec. 48. Section 99F.12, Code 2003, is amended to
19 27 read as follows:
19 28 99F.12 LICENSEES == RECORDS == REPORTS ==
19 29 SUPERVISION.
19 30 1. A licensee shall keep its books and records so
19 31 as to clearly show all of the following:
19 32 ~~1. a.~~ The total number of admissions to gambling
~~19 33 excursions conducted by the licensee on each day,~~
~~19 34 including the number of admissions upon free passes or~~
~~19 35 complimentary tickets for each day of operation.~~
19 36 ~~2. b.~~ The amount received daily from admission
~~19 37 fees.~~
19 38 ~~3.~~ The total amount of money wagered during each
~~19 39 excursion day and the adjusted gross receipts for the~~
19 40 each day of operation.
19 41 2. The licensee shall furnish to the commission
19 42 reports and information as the commission may require
19 43 with respect to its activities. The gross receipts
19 44 and adjusted gross receipts from gambling shall be
19 45 separately handled and accounted for from all other
19 46 moneys received from operation of an excursion
19 47 gambling boat. The commission may designate a
19 48 representative to board a licensed excursion gambling
19 49 boat, who shall have full access to all places within
19 50 the enclosure of the boat, who shall directly
20 1 supervise the handling and accounting of all gross
20 2 receipts and adjusted gross receipts from gambling,
20 3 and who shall supervise and check the admissions. The
20 4 compensation of a representative shall be fixed by the
20 5 commission but shall be paid by the licensee.
20 6 3. The books and records kept by a licensee as
20 7 provided by this section are public records and the
20 8 examination, publication, and dissemination of the
20 9 books and records are governed by the provisions of
20 10 chapter 22.
20 11 Sec. 49. Section 99F.17, subsections 5 and 6, Code
20 12 2003, are amended to read as follows:

20 13 5. The manufacturer or distributor of gambling
20 14 games or implements of gambling shall provide the
20 15 commission with ~~a copy of the invoice written notice~~
20 16 showing the items shipped to the licensee ~~and a copy~~
~~20 17 of the bill of lading.~~

20 18 6. Subsection 2 does not apply in the following
20 19 cases, if approved by the commission:
20 20 a. Gambling games or implements of gambling
20 21 previously installed ~~on an excursion gambling boat in~~
20 22 ~~a gambling location~~ licensed in another jurisdiction.
20 23 b. Gambling games or implements of gambling
20 24 previously installed ~~on an excursion gambling boat in~~
20 25 ~~a gambling location~~ licensed in this state.

20 26 Sec. 50. Section 99G.39, subsection 1, paragraph
20 27 a, Code Supplement 2003, is amended to read as
20 28 follows:
20 29 a. An amount equal to ~~three-tenths~~ one-half of one
20 30 percent of the gross lottery revenue for the year
20 31 shall be deposited in ~~a~~ the gambling treatment fund ~~in~~
~~20 32 the office of the treasurer of state created in~~
~~20 33 section 135.150.~~

20 34 Sec. 51. NEW SECTION. 135.150 GAMBLING TREATMENT
20 35 FUND.
20 36 1. A gambling treatment fund is created in the
20 37 state treasury under the control of the department.
20 38 The fund consists of all moneys appropriated to the
20 39 fund. However, if moneys appropriated to the fund in
20 40 a fiscal year exceed six million dollars, the amount
20 41 exceeding six million dollars shall be transferred to
20 42 the general fund of the state. Moneys in the fund are
20 43 appropriated to the department for the purposes
20 44 described in this section.
20 45 2. Moneys appropriated to the department under
20 46 this section shall be for the purpose of operating a
20 47 gambling treatment program and shall be used for
20 48 funding of administrative costs and to provide
20 49 programs which may include, but are not limited to,
20 50 outpatient and follow-up treatment for persons
21 1 affected by problem gambling, rehabilitation and
21 2 residential treatment programs, information and
21 3 referral services, crisis call access, education and
21 4 preventive services, and financial management and
21 5 credit counseling services.
21 6 3. Notwithstanding section 12C.7, subsection 2,
21 7 interest or earnings on moneys deposited in the
21 8 gambling treatment fund shall be credited to the
21 9 gambling treatment fund. Notwithstanding section
21 10 8.33, moneys credited to the gambling treatment fund
21 11 shall not revert to the fund from which appropriated
21 12 at the close of a fiscal year.
21 13 4. The department shall report semiannually to the
21 14 legislative government oversight committees regarding
21 15 the operation of the gambling treatment fund and
21 16 program. The report shall include, but is not limited
21 17 to, information on revenues and expenses related to
21 18 the fund for the previous period, fund balances for
21 19 the period, and moneys expended and grants awarded for
21 20 operation of the gambling treatment program.

21 21 Sec. 52. Section 421.17, Code Supplement 2003, is
21 22 amended by adding the following new subsection:
21 23 NEW SUBSECTION. 28. To administer the community
21 24 endowment fund created in section 15E.311.

21 25 Sec. 53. NEW SECTION. 725.19 GAMBLING BY MINORS.
21 26 1. Any person under the age of twenty-one years
21 27 shall not make or attempt to make a gambling wager,
21 28 except as permitted under chapter 99B. A person who
21 29 violates this subsection commits a scheduled violation
21 30 under section 805.8C, subsection 4.
21 31 2. A person who knowingly permits a person under
21 32 the age of twenty-one years to make or attempt to make
21 33 a gambling wager, except as permitted under chapter
21 34 99B, is guilty of a simple misdemeanor.

21 35 Sec. 54. Section 805.8C, Code 2003, is amended by
21 36 adding the following new subsection:
21 37 NEW SUBSECTION. 4. GAMBLING VIOLATIONS. For
21 38 violations of legal age for gambling wagering under
21 39 section 99D.11, subsection 7, section 99F.9,
21 40 subsection 5, and section 725.19, subsection 1, the
21 41 scheduled fine is five hundred dollars. Failure to
21 42 pay the fine by a person under the age of eighteen
21 43 shall not result in the person being detained in a

21 44 secure facility.
21 45 Sec. 55. Sections 99D.14A and 99F.10A, Code 2003,
21 46 are repealed.
21 47 Sec. 56. SOCIOECONOMIC STUDY OF GAMBLING.
21 48 1. The legislative council shall commission a
21 49 study by an independent entity to study the
21 50 socioeconomic impact of gambling on Iowans. The
22 1 legislative council is authorized to expend up to one
22 2 hundred thousand dollars to complete the study. The
22 3 legislative council shall make the report available by
22 4 July 1, 2005.
22 5 2. The study shall be an empirical study and
22 6 include, but not be limited to, the following matters:
22 7 a. The economic impact of gambling on communities
22 8 and other businesses.
22 9 b. The impact of gambling, if any, on family
22 10 finances and family relations in general.
22 11 c. Demographic information on gamblers.
22 12 d. An assessment of the impact, if any, of
22 13 pathological or problem gambling on individuals,
22 14 families, social institutions, criminal activity, and
22 15 the economy.
22 16 e. Other relevant issues to fully examine the
22 17 socioeconomic impact of gambling.
22 18 Sec. 57. TRANSITION PROVISIONS == EXCURSION
22 19 GAMBLING BOAT CRUISING. A licensee authorized to
22 20 conduct gambling games on an excursion gambling boat
22 21 pursuant to chapter 99F as of January 1, 2004, shall,
22 22 no later than June 1, 2004, notify the racing and
22 23 gaming commission in writing if the licensee intends
22 24 to operate a moored barge, an excursion boat that will
22 25 cruise, or an excursion boat that will not cruise.
22 26 The racing and gaming commission shall make the
22 27 election of each licensee under this section public by
22 28 June 7, 2004. A licensee who initially elects to
22 29 operate a moored barge or an excursion boat that will
22 30 not cruise may, no later than June 30, 2004, change
22 31 its election and elect to operate an excursion boat
22 32 that will cruise.
22 33 Sec. 58. EFFECTIVE DATE == RETROACTIVE
22 34 APPLICABILITY.
22 35 1. The section of this Act amending section 99D.6
22 36 takes effect April 1, 2004. If this Act is enacted
22 37 after April 1, 2004, the section of this Act amending
22 38 section 99D.6, being deemed of immediate importance,
22 39 takes effect upon enactment and is retroactively
22 40 applicable to April 1, 2004, and is applicable on and
22 41 after that date.
22 42 2. The section of this Act amending section
22 43 99D.25, subsection 5, takes effect April 1, 2004. If
22 44 this Act is enacted after April 1, 2004, the section
22 45 of this Act amending section 99D.25, subsection 5,
22 46 being deemed of immediate importance, takes effect
22 47 upon enactment and is retroactively applicable to
22 48 April 1, 2004, and is applicable on and after that
22 49 date.
22 50 2A. The section of this Act enacting section
23 1 99F.4C, being deemed of immediate importance, takes
23 2 effect upon enactment.
23 3 3. The section of this Act amending section 99F.5,
23 4 subsection 1, being deemed of immediate importance,
23 5 takes effect upon enactment.
23 6 4. The section of this Act amending section 99F.7,
23 7 subsection 10, paragraph "e", being deemed of
23 8 immediate importance, takes effect upon enactment and
23 9 is retroactively applicable to referendums held on or
23 10 after January 1, 2002.
23 11 5. The section of this Act requiring a
23 12 socioeconomic study of gambling, being deemed of
23 13 immediate importance, takes effect upon enactment.
23 14 6. The section of this Act establishing transition
23 15 provisions concerning excursion gambling boat
23 16 cruising, being deemed of immediate importance, takes
23 17 effect upon enactment.>
23 18 #2. Title page, by striking lines 1 through 9 and
23 19 inserting the following: <An Act relating to
23 20 gambling, concerning the operation, licensure,
23 21 regulation, fee assessment, and taxation of racetracks
23 22 and excursion gambling boats, imposing a moratorium
23 23 for issuance of licenses for gambling games and pari=
23 24 mutuel wagering, including pari=mutuel wagering, horse

23 25 purses and gambling games at racetracks and on
23 26 gambling boats, racing and gaming commission
23 27 membership and employees, gambling treatment fund and
23 28 community endowment fund appropriations, gambling by
23 29 minors and others, and providing penalties and
23 30 including effective and retroactive applicability date
23 31 provisions.>
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23 33
23 34
23 35 CARROLL of Poweshiek
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23 39 FALLON of Polk
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23 43 DE BOEF of Keokuk
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23 47 BOAL of Polk
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23 50
24 1 VAN ENGELENHOVEN of Marion
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24 5 KRAMER of Polk
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24 9 STEVENS of Dickinson
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24 13 CHAMBERS of O'Brien
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24 17 ALONS of Sioux
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24 21 GREIMANN of Story
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24 25 D. OLSON of Boone
24 26 HF 2302.707 80
24 27 ec/gg